

REMARKS

Status of the Claims

Claims 1-10, 13, 14, 38-40, and 47-52 have been canceled without prejudice to or disclaimer of the subject matter therein for purposes of furthering prosecution of the allowable subject matter. Applicants' intent is to pursue the canceled subject matter in a continuation application.

Applicants note the withdrawal of the rejections of the claims under 35 U.S.C. §102(b) as anticipated by Profitt *et al.* (EP 0317120). Applicants wish to thank the Examiner for noting that claims 21-34, 45, and 46 are allowable.

Claims 21-34, 45, and 46 are now pending in the application. The Examiner is respectfully requested to enter the above amendments to further prosecution. The Examiner's comments in the Final Office Action are addressed below in the order set forth therein.

The Provisional Obviousness-Type Double-Patenting Rejection Should Be Withdrawn

The Examiner has maintained the provisional rejection of claims 1-8, 13, 14, 35-40, and 47-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 9, 12, 13, 36-40, 45, 47, and 48 of copending application US 2002/0172661 A1 (Application No. 10/035,397). Applicants wish to make of record the fact that they disagree with the Examiner's position with respect to this double-patenting rejection.

It is noted, however, that the disputed subject matter has been canceled from the pending claims. In doing so, Applicants are not acquiescing to the Examiner's provisional obviousness-type double-patenting rejection. Rather, in view of the finality of this Office Action, the cancellation of claims 1-8, 13, 14, 35-40, and 47-50 is solely for the purpose of furthering prosecution of the allowable subject matter, i.e., claims 21-34, 45, and 46.

Accordingly, as the only pending claims remaining in the application have been deemed to be allowable, this rejection should be withdrawn.

The Rejection of the Claims Under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn

Claims 1-10, 13, 14, and 38-40 are rejected under 35 U.S.C. §112, second paragraph. These claims have been canceled to further prosecution of claims 21-34, 45, and 46, which have been deemed to be allowable. Accordingly, this rejection should be withdrawn.

The Rejections of the Claims Under 35 U.S.C. §102 Should Be Withdrawn

Claims 1-5, 9, 10, 13, 14, 38-40, 47-49, 51, and 52 are rejected under 35 U.S.C. §102(b) as being anticipated by Van't Veer *et al.* (U.S. Patent No. 5,977,057). These claims have been canceled to further prosecution of the allowable subject matter, i.e., claims 21-34, 45, and 46. Accordingly, this rejection should be withdrawn.

Claims 1-5, 9, 10, 13, and 35-40 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cleland *et al.*, US 2002/0004481 (filed June 11, 1998). These claims have been canceled to further prosecution of allowable subject matter recited in claims 21-34, 45, and 46. Accordingly, this rejection should be withdrawn.

CONCLUSION

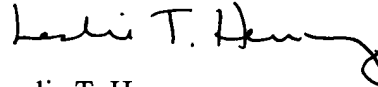
In view of the aforementioned amendments and remarks, Applicants respectfully submit that the rejections of the claims under 35 U.S. C. §§102 and 112 and the obviousness-type double-patenting rejection are moot in view of Applicants' cancellation of all disputed subject matter for purposes of furthering prosecution of allowable subject matter recited in the remaining pending claims. Accordingly, it is submitted that this application is now in condition for allowance. Early notice to this effect is solicited. If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby

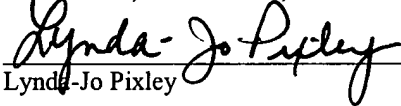
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petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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<p>Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 15, 2004.  Lynda-Jo Pixley</p>
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